

DEXTRAS

ENGINEERING & CONSTRUCTION LTD.



August 27, 2002

Commissioner For Patents
United States Patent and Trademark Office
Washington, D.C. 20231

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Attention: Ms. Christy M. Green

Re: Patent application No. 09/976,563 entitled "Building Wall Humidity Control System"

Dear Madam:

In response to your office action of July 9th, 2002, this is to inform you that in our opinion, the objections that you have raised to the above U.S. patent application are not valid. It appears that your objections are primarily based on possible conflicts with other U.S. patents as shown in your attached Notice of References. As it turns out, these very same prior art conflict issues have already been successfully addressed in our Canadian application. Therefore, please find enclosed our letter to the Canadian Patent Office dated May 24, 2001 dealing with same. Subsequent to this letter and after numerous refinements to the whole package, Canadian Patent No. 2,302,795 was granted and issued on July 30, 2002 details of which are now posted on the web at: www.cipo.gc.ca. These final and approved patent documents are identical to the ones now in your possession and of course form the basis for the above U.S. Patent application.

You will note that our May 24/02 letter deals specifically with two of your more directly related references namely: Fitzgibbon and Charniga. Obviously precisely the same reasoning regarding design intent, lack of control of moisture related parameters etc... can be applied to the other similar patents in your list, namely: Tucker, Yoshitoshi and Pigg.

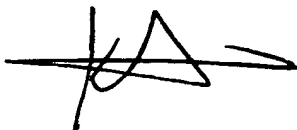
In another slightly different category are the Goldsmith, Listle, Schneider and Matthews patents because they are almost entirely focused on energy conservation. Unfortunately (again) they completely ignore the issue of moisture management of the framing members which, as we all know now, is a very serious cause for concern. It may interest you to know that a full scale experiment of a system very similar to these was conducted at the University of Toronto in the 1980's. It was called the "Dynamic Wall House" experiment and the net result of it was simply this: it was a complete unmitigated disaster that literally "rotted away" because it relied on *uncontrolled exterior air*. This, I think you'll agree, is a good illustration of how dissimilar our patent truly is to all of the aforementioned patents.

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In the final category are the Jespersen, Zagorzycki and Schmitz patents which I suspect are only linked to ours because of the common use of the word "drying". To suggest that our Building Wall Humidity Control System is somehow a copy of a "meat locker" system is absurd. Obviously the cardinal difference is that the meat locker system does not attempt to measure and/or control the moisture content of the *structural members* that make up it's enclosure. In fact, it is rather ironic that you should bring this up because like the "Dynamic Wall House" referred to above, if the enclosure materials are not carefully selected, they will also "rot away". I strongly suspect that any prudent meat locker operator will probably use stainless steel to overcome *his* relatively minor problem but this is not a very practical solution for the rest of us who are trying to provide effective and economical *residential building walls*. In a similar way, the same logic applies to your "dryer" and "pipe insulation" references.

I trust the above satisfies your present requirements and look forward to hearing from you in the very near future.

Yours truly,



Ken Dextras, P. Eng.
President